IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2221 OF 2007

Rajendra Parshuram Patwardhan .... Petitioner

versus

The Tasgaon Urban Co-op.Bank Ltd
and another ..... Respondent.

Shri Suresh M.Sabrad for the petitioner
Mrs. M.H.Mhatre APP for the State.

CORAM; A.P. DESHPANDE, J.
DATED; 29TH NOVEMBER, 2007

P.C.;

1. Rejection of an application moved by the accused under section 311 of Cr.P.C. for further cross examination of the witness of the complainant has given rise to the filing of this petition. The petitioner issued a cheque in favour of the respondent bank and when the cheque was deposited, it came to be dishonoured. Hence after serving a demand notice for non payment of the amount by the petitioner, a complaint under section 138 of the N.I.Act came to be filed by the bank. The bank examined its witnesses and closed the case. Thereafter the petitioner/accused examined one witness who happens to be the Manager of the said bank. After examination of the witness for the accused, the present application under section 311 of Cr.P.C came to be filed with a

view to further cross examination of the witness, who was examined and cross examined earlier. The trial court has held that recalling of the witness for the complainant for further cross examination is not necessary for the just decision of the case. I am not inclined to hold that further cross examination by recalling of the complainant's witness would be in furtherence of cause of justice. Hence no interference with the impugned interlocatory order is called for. Writ Petition is thus summarily dismissed.

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